

ATTACHMENT A

AN ORDINANCE TO AMEND PROVISIONS OF THE UNIFIED DEVELOPMENT ORDINANCE REGULATING BICYCLE PARKING AND ALTERNATIVE PEDESTRIAN PLANS TC1000001

WHEREAS, the Durham City Council/County Board of Commissioners wishes to amend certain provisions regarding bicycle parking and alternative pedestrian plans in the Unified Development Ordinance; and

WHEREAS, it is the objective of the Durham County City Council/Board of Commissioners to have the UDO promote the health, safety, and general welfare of the community;

NOW, THEREFORE, be it ordained that Article 3, Applications and Permit, Article 6, District Intensity Standards, Article 8, Environmental Protection, Article 10, Off-Street Parking and Loading, Article 12, Infrastructure and Public Improvements, and Article 13, Additional Requirements for Subdivisions are amended to make the following changes:

SECTION 1

Modify Table of Contents, as set forth in the strikeouts and underlining below.

3.7.4 Site Plan Requirements

An application for site plan review shall be submitted in accordance with Sec. 3.2.4, Application Requirements. Site Plan documents shall contain, as a minimum, the information listed below unless expressly exempted by another provision of this Ordinance or the Planning Director, or the Director's designee makes the determination that less detailed information is required for adequate review. No processing or review of a site plan will proceed without the required information. Detailed standards and specifications for design and construction are available from City, County and State agencies, as applicable.

[Paragraphs 3.7.4A. and 3.7.4B. are omitted]

C. Proposed Conditions

1. *Buildings*: location, footprint, entrances, area by floor (square feet), height, finished floor elevation, setback requirements defining building envelope. When building descriptions have been included in a zoning approval, the site plan shall include building elevations or renderings as well as any other information needed to support the requirements of the zoning map change approval.
2. *Site Service Areas and Facilities*: location of loading, trash/recycling handling and other facilities including height, footprint and screening.
3. *Internal Vehicular Circulation and Parking*: location of drives and driveways [with radii] aisles, and parking spaces, including number of spaces required, and number provided, a justification for the number of spaces exceeding the minimum requirement, the number of handicapped spaces required and number provided, the location and number of spaces devoted to carpools if

required, the number of spaces devoted to bicycle parking, the type(s) of bicycle racks provided, a description of the pavement structure, a lighting plan if lighting is proposed.

Article 6 | District Intensity Standards

Sec. 6.1 District Intensity in General

6.1.1 Purpose

The district development standards of this Ordinance establish lot sizes and certain restrictions for all residential and nonresidential development. These standards allow for variety in housing and building types while striving to maintain the overall character of neighborhoods and commercial areas of Durham. Development standards established in this Ordinance are based on Durham's five planning tiers as established in the Comprehensive Plan. Standards in this section are specific to each district and are above and beyond the general standards for all districts enumerated in Article 7, Design Standards, through Article 13, Additional Requirements for Subdivisions. Separate standards are established to regulate residential and nonresidential development in each tier and for certain nonresidential districts. This approach to district and tier development standards implements the Comprehensive Plan and has several public benefits:

- B.** It allows for development that is more sensitive to the environment and allows for the preservation of open and natural areas.
- C.** It promotes quality site layout and energy-efficient development.
- D.** It promotes affordable and life-cycle housing.
- E.** It promotes development intensities that match existing and proposed infrastructure investments.
- F.** It promotes infill development that is consistent in character and scale with established neighborhoods.
- G.** It promotes compact land development that supports alternate transportation, such as bicycling, walking, mass transit.
- H.** It promotes market-based development decisions while protecting shared public interests.

Article 8 | Environmental Protection

Sec. 8.1 Purpose

Durham County is endowed with an abundance of natural resources, including land, forests, streams and rivers, lakes, wildlife and natural beauty. Inappropriate development threatens the quality of the natural resources that make it a special place to live and work. Durham's governing bodies recognize that establishing standards for the protection of Durham County's

natural resources represents prudent stewardship of the land and good business. The multiple purposes of natural resource protection standards are:

- A.** To preserve and enhance the quality of the water in rivers, streams, ponds and lakes that flow into and out of Durham County;
- B.** To minimize future flooding problems by restricting development in flood prone areas;
- C.** To preserve the water carrying capacity of watercourses and the natural water storage capacity of the floodplain;
- D.** To protect land and watercourses from pollutants, sedimentation and erosion;
- E.** To retain open spaces in order to protect their environmentally-sensitive character;
- F.** To protect and conserve significant natural resources from degradation due to inappropriate development. Such natural resources include Inventory Sites, wildlife and plant life habitats, wetland areas and riparian areas;
- G.** To minimize the impact of development by controlling the location, intensity, pattern and design of development and construction activities;
- H.** To enhance the aesthetic appearance of Durham as a means of improving quality of life and attracting new businesses and residents;
- I.** To improve air quality by reducing the heat island effect by reducing pollution and fossil fuel used for transportation by encouraging walking, bicycling and transit; and
- J.** To protect environmentally sensitive lands while recognizing the legitimate expectations of property owners and Durham's economic development goals.

Article 10 | Off-Street Parking and Loading

Sec. 10.3 Required Parking

10.3.1 Required Motorized Vehicle and Bicycle Parking

A. Rural, Suburban, and Urban Tiers

1. Minimum

Off-street parking spaces shall be provided for all uses listed below in the amounts specified below. Uses not listed shall be reviewed by the Planning Director, or designee, for a determination of the required spaces. Buildings with multiple uses shall calculate parking based on the ~~square footage of~~ standard for each use in the building, but bicycle parking shall in any case meet the highest minimum standard for the uses.

Use Category	Specific Use	Minimum Motor Vehicle Spaces	Minimum Bicycle Parking
AGRICULTURAL USES			
Agriculture	All agriculture	1 per site + 1 per 1,000 SF enclosed floor area	<u>No spaces required</u>
RESIDENTIAL USES			
Household Living	All household living	2 per unit	<u>Multifamily: 1 per 10 units</u>
Group Living	All group living, except as listed below	1 per 4 beds	<u>Dormitories: 1 per 10 beds</u>
	Boarding house, rooming house	1 per bedroom	<u>1 per 3 bedrooms</u>
	Congregate living facility	1 per 2 units + 1 per 4 employees	<u>1 per 20 employees, minimum 2 spaces</u>
PUBLIC AND CIVIC USES			
Community Service	All community service	1 per 500 SF floor area	<u>1 per 5,000 SF floor area, minimum 2 spaces</u>
	Auditoriums	1 per 200 SF floor area available for seating in places of assembly, minimum 20 spaces	<u>1 per 2,000 SF floor area available for seating in places of assembly, minimum 2 spaces</u>
	Clubs and lodges	1 per 100 SF floor area	<u>1 per 5,000 SF floor area</u>
	Museums	1 per 300 SF floor area, minimum 10 spaces	<u>1 per 3,000 SF floor area, minimum 2 spaces</u>
Day Care	All day care	1 per employee + 1 per each 10 attendees	<u>2% of required MV parking</u>
Educational Facilities	All educational facilities, except as listed below	6 per classroom + 1 per 300 SF floor area of administrative office space	<u>1 per classroom</u>
	Kindergarten, elementary, middle school	1 per classroom + 1 per 300 SF floor area of administrative office space	<u>1 per classroom</u>
	College or University	As determined by the Development Review Board	<u>As determined by the Development Review Board</u>
Government Facilities	City, county, state or federal government office	1 per 300 SF floor area + 1 per 3 employees	<u>1 per 3,000 SF floor area + 1 per 30 employees, minimum 4 spaces</u>
	Correctional facilities, jail, prison	1 per 300 SF office area + 1 per 5 beds	<u>1 per 5,000 SF office area, minimum 4 spaces</u>
	Emergency services, fire, sheriff or medical station	1 per employee per shift + 1 per facility vehicle	<u>1 per 8 employees per shift</u>
Medical Facilities	All medical facilities, except as listed below	1 per 250 SF floor area	<u>1 per 5,000 SF floor area, minimum 2 spaces</u>
	Medical laboratory	1 per 500 SF floor area	<u>1 per 10,000 SF floor area, minimum 2 spaces</u>
	Hospital	1 per 2 beds + 1 per doctor and nurse + 1 per 4 employees	<u>1 per 20 employees</u>
Parks and Open Areas	All parks and open areas except as listed below	As determined by the Planning Director in consultation with the Parks and Recreation Director	<u>20% of provided motor vehicle parking, minimum 4 spaces</u>
	Cemetery, mausoleum, columbaria, memorial garden	1 per 5 seats in the chapel or assembly area	<u>No spaces required</u>
Passenger Terminals	All passenger terminals	1 per 200 SF waiting floor area + 1 per 2 employees	<u>10% of required MV parking. Minimum 8 spaces. Parking must be covered.</u>
Places of Worship	All places of worship	1 per 28 SF available for seating in the assembly area(s)	<u>5% of provided motor vehicle parking</u>
Social Service Institutions	All social service institutions, except as listed below	1 per 1,500 SF floor area + 1 per employee/volunteer	<u>1 per 5,000 SF floor area, minimum 2 spaces</u>
Utilities	All utilities, except as listed below	1 per 1,000 SF enclosed floor area	<u>2 spaces, where motor vehicle parking is required</u>
	TV/HDTV/AM/FM broadcast facility	1 per 300 SF enclosed floor area	<u>1 per 10,000 SF enclosed floor area</u>

Use Category	Specific Use	Minimum Motor Vehicle Spaces	Minimum Bicycle Parking
COMMERCIAL USES			
Indoor Recreation	All indoor recreation, except as listed below	1 per 250 SF enclosed floor area	<u>1 per 2,500 SF enclosed floor area, minimum 2 spaces</u>
	Adult establishment, bar, nightclub, movie or theater	1 per 100 SF of seating area	<u>Movie or Theatre: 1 per 1,000 SF of seating area</u> <u>Others: 1 per 2,000 SF floor area, minimum 2 spaces</u>
Outdoor Recreation	All outdoor recreation, except as listed below	1 per 500 SF of enclosed floor area + 1 per 1,000 SF of outdoor use area	<u>10% of required motor vehicle parking, minimum 4 spaces</u>
	Campground, summer camp	1 per campsite + 1 per employee	<u>5% of required MV parking</u>
	Circus ground	1 per 600 SF of the area devoted to the circus, arcade, concessions, etc.	<u>2% of required MV parking</u>
	Flea market, outdoor	1 per 300 SF vendor area	<u>5% of required MV parking</u>
	Firing range, outdoor such as rifle range, archery, skeet, handgun	Min 5 + 1 per firing position	<u>No spaces required</u>
	Golf course, country club (see "restaurants" for additional parking requirements associated with eating facilities)	4 per hole + 1 per 500 SF floor area	<u>5% of required MV parking</u>
	Stadium or arena, commercial amphitheater, ballfield	1 per 4 seats	<u>1 per 30 seats, minimum 4 spaces, maximum 50 spaces.</u>
Overnight Accommodations	All overnight accommodations, except as listed below	1.25 per room+ 1 per 100 SF conference/banquet/restaurant	<u>1 per 15 rooms + 1 per 2,000 SF conference/banquet/restaurant</u>
	Bed and breakfast establishment	1 per guest room + 2 per owner/manager	<u>No spaces required</u>
	Diet house, emergency shelter	1 per 250 SF floor area	<u>1 per 2,500 SF floor area</u>
Restaurants	All restaurants, except as listed below	1 per 100 SF	<u>1 per 2,000 SF floor area, minimum 2 spaces</u>
Retail Sales and Service	All retail sales and service, except as listed below	1 per 200 SF floor area for the first 50,000 SF of Gross Leaseable Area and 1 per 250 SF of leaseable area after that	<u>1 per 5,000 SF floor area, minimum 4 spaces</u>
	Animal hospital, kennel, or veterinarian	1 per 250 SF enclosed floor area	<u>1 per 10,000 SF floor area, minimum 2 spaces</u>
	Artist gallery, bulk mailing service, psychic, medium, security service, studio, taxidermist	1 per 400 SF floor area	<u>1 per 10,000 SF floor area, minimum 2 spaces</u> <u>Security service, taxidermist: No spaces required</u>
	Repair-oriented services such as appliance, bicycle, canvas product, clock, computer, gun, jewelry, musical instrument, office equipment, radio, shoe, television or watch repair, locksmith, tailor, milliner, upholsterer	1 per 500 SF floor area	<u>1 per 10,000 SF floor area, minimum 2 spaces</u>
Self-Service Storage	All self-service storage	Min. 5 or 1 per 100 storage units, whichever is greater	<u>Min. 2 or 1 per 750 storage units, whichever is greater</u>
Vehicle Sales and Service	All vehicle sales and service, except as listed below	3 per service bay	<u>1 per 20 employees, minimum 2 spaces</u>
	Car wash	2 per wash bay	<u>1 per 20 employees, minimum 2 spaces</u>
	Vehicle sales, leasing or rental; manufactured housing sales	1 per 500 SF enclosed floor area	<u>1 per 20 employees, minimum 2 spaces</u>
OFFICE USES			

Use Category	Specific Use	Minimum Motor Vehicle Spaces	Minimum Bicycle Parking
Office	All office uses, except as listed below	1 per 250 SF floor area	<u>1 per 5,000 SF floor area, minimum 2 spaces</u>
	Conference center, retreat house	1 per 250 SF seating area	<u>1 per 5,000 SF seating area, minimum 2</u>
INDUSTRIAL USES			
Heavy Industrial	All heavy industrial	1 per 1,000 SF enclosed floor area	<u>2 spaces required</u>
	Wrecking, junk or salvage yard	1 + 1 per 10,000 SF of yard area	<u>2% of required MV parking</u>
Light Industrial Service	All light industrial service	1 per 1,000 SF floor area	<u>1 per 20,000 SF floor area, minimum 2</u>
Resource Extraction	All resource extraction	1 per 2 employees, minimum 3	<u>2 spaces required</u>
Warehouse and Freight Movement	All warehouse and freight movement	1 per 5,000 SF of floor area	<u>2% of required MV parking, minimum 2 spaces</u>
Waste-Related Service	All waste-related services	1 per 500 SF enclosed floor area + 1 per 5,000 SF outside storage area	<u>2 spaces required</u>
Wholesale Trades	All wholesale trade	1 per 1,000 SF floor area	<u>1 per 20,000 SF floor area, minimum 2 spaces</u>

2. Maximum Parking Permitted

- a. No use shall provide more than 175% of the required motor vehicle parking shown in the table above unless any parking above the 175% threshold is pervious or is provided through use of structured parking.
- b. No use, except Universities and Colleges, as defined in Sec. 16.3, Defined Terms, and Passenger Terminals, shall require more than 100 bicycle parking spaces.
- c. Where a project is intended to be developed in phases, the Development Review Board may approve development of a parking area intended to serve current and future development.

B. Motor Vehicle Parking in Compact Neighborhood Tiers

1. The minimum motor vehicle parking requirement shall be 85% of the parking standards shown in the table in Sec. 10.3.1A.1, Minimum [Rural, Suburban, and Urban Tiers], except as otherwise authorized under this Ordinance. ~~For purposes of calculating bicycle parking under Sec. 10.3.3, Minimum Required Bicycle Parking, 100% of the minimum spaces shown in the table in Sec. 10.3.1A.1, Minimum [Rural, Suburban, and Urban Tiers], shall be used.~~
2. No use shall provide more than 100% of the minimum motor vehicle spaces shown in the table in Sec. 10.3.1A.1, Minimum [Rural, Suburban, and Urban Tiers].
3. Any change of use within an existing building in the Pedestrian Business district of a Compact Neighborhood Regulating Plan, upon adoption of such district, shall be exempt from off-street motor vehicle parking requirements. New buildings or expansion areas of existing buildings within the Pedestrian Business district shall be required to meet all off-street motor vehicle parking requirements.
4. For every twenty-three (23) contiguous feet of street frontage for which there is adjacent permitted on-street parking, excluding handicapped accessible spaces, minimum required motor vehicle off-street parking shall be reduced by one (1)

space. Credit for on-street parking shall only be counted towards one of the uses in any multi-use development. Credit shall not be given for a partial space.

Commentary: *On-street parking used to reduce off-street parking is within the public right-of-way and shall remain available for general use subject to public parking standards.*

Commentary: *Loading zones and taxi stands shall not be considered permitted on-street parking for purposes of Sec. 10.3.1B.4.*

C. Motor Vehicle Parking in Downtown Tier

No minimum motor vehicle parking shall be required. Parking shall not exceed the minimum number required by the base use. Exceptions to this requirement may be granted by the Development Review Board if the additional parking does not negatively impact the pedestrian flow of the area and the following additional findings supporting the decision are made:

1. There is demonstrated need for additional parking;
2. The applicant is employing traffic demand management techniques to minimize parking;
3. Efforts have been made to minimize significant tree cutting; and
4. The ability to share parking with nearby development has been evaluated.

D. Modifications

The Development Review Board may reduce the required number of motor vehicle spaces by up to 20%, if for reasons of topography, mixes of uses, ride sharing programs, availability of transit, or other conditions specific to the site, provided the reduction in the required number of parking spaces satisfies the intent of this Article.

[Paragraphs 10.3.2 and 10.3.4 are omitted]

10.3.3 ~~Minimum Required Bicycle Parking~~ Bicycle Parking in the Downtown Tier

- ~~A. Multifamily residential uses shall provide bicycle parking at the rate of one bicycle parking space for every 20 motorized vehicle spaces; however, no more than 100 total bicycle parking spaces shall be required for any single development.~~
 - ~~B. Nonresidential uses with an off-street parking requirement for motorized vehicles of at least 15 spaces and not more than 40 spaces shall provide a minimum of two bicycle parking spaces.~~
 - ~~C. Nonresidential uses with an off-street parking requirement greater than 40 spaces shall provide bicycle parking spaces equal to 10% of the total number of spaces required up to 100 bicycle parking spaces.~~
 - ~~D. Uses within the Downtown Tier shall provide bicycle parking based on the category and square footage of each use.~~
- A. Restaurant and Retail Sales and Services**

Restaurant and retail sales and services use categories shall provide bicycle parking at a minimum rate of one bicycle parking space per 1,000 square feet of usable floor area.

B. All Other Uses

1. For all non-residential uses of 10,000 square feet or more bicycle parking shall be provided at a minimum rate of one bicycle parking space per 5,000 square feet of usable floor area.
2. For all residential development bicycle parking shall be provided at a minimum rate of one bicycle parking space per dwelling unit.

Sec. 10.4 Design Standards

[Paragraphs 10.4.1, 10.4.2, and 10.4.3 are omitted.]

10.4.4 Design Standards for Bicycle Parking

A. General Standards

1. Where bicycle parking facilities are not clearly visible to approaching cyclists, signs shall be posted to direct cyclists to the facilities.
2. ~~Facilities shall provide at least a 30 inch clearance from the centerline of each adjacent bicycle and at least 24 inches from walls or other obstructions.~~ Bicycle racks that are placed parallel to each other shall be spaced at least 30 inches apart. Bicycle racks shall be spaced 24 inches from walls, curb faces, pavement edges, and other obstructions.
3. An aisle or other space shall be provided for bicycles to enter and leave the facility. The aisle shall have a width of at least four feet to the front or the rear of a standard six-foot bicycle parked in the facility. Bicycle parking shall remain accessible and not be rendered unusable by fixed or movable objects.
4. Each bicycle parking space shall be sufficient to accommodate a bicycle at least six feet in length and two feet wide. Overhead clearance shall be at least seven feet.
5. Bicycle parking spaces shall be clearly marked as such and shall be separated from motorized vehicle parking by some form of physical barrier designed to protect a bicycle from being hit by a motorized vehicle.
6. Each bicycle parking space shall be provided with some form of stable frame permanently anchored to a foundation to which a bicycle frame and both wheels may be conveniently secured using either a chain and padlock or a U-lock. The rack ~~frame~~ shall support a standard bicycle frame in a stable position at two points of contact without damage to frame, wheels, or components. ~~The rack known as an~~ Acceptable rack types are the “inverted U-rack,” and the “swerve rack” is the preferred type. Any other types of racks that meet the above criteria may be approved administratively by the Planning Director.
7. Outdoor bicycle parking facilities shall be surfaced in the same manner as the motorized vehicle parking area and shall be equally level and accessible to the street.

8. Lighting and other security design features shall be provided in bicycle parking facilities equivalent to that provided in the facilities for motorized vehicles.

B. Standards for the Downtown Tier

1. General Standards

- a. Bicycle parking shall be located to not impede pedestrian or motorized vehicle movement into or around the site.
- b. Bicycle parking shall be installed in accordance with the guidelines set forth in the Durham Design Manual.

2. Standards for Restaurant and Retail Sales and Service Uses

- a. Required bicycle parking spaces shall be located within 50 feet of the primary building entrance and visible from the public right-of-way.
- b. Bicycle racks may be placed in the public right-of-way with approval from the City or State and where such racks do not conflict with pedestrian use.
- c. The Planning Director or designee may permit alternative bicycle parking locations within the blockface such as clustering or shared facilities provided that the following findings are made:
 - (1) Streetscape clutter is reduced;
 - (2) Pedestrian clear zones are maintained; and
 - (3) Higher accessibility and visibility are provided.

3. Standards for Residential Uses

Required residential bicycle parking may only be provided internal to the dwelling unit if a designated bicycle storage space is provided.

4. Standards for All Other Uses

- a. Bicycle parking shall be located within 100 feet of the primary or secondary entrance to the building.
- b. Bicycle parking in a bicycle storage room, bicycle lockers, or bicycle racks within a building or parking structure may be provided to meet this requirement.
- c. Bicycle parking located internal to a building shall not require access via stairs.

C. Standards for All Other Tiers

1. Bicycle parking may be located in any parking area or in other locations that are easily accessible and do not impede pedestrian or motorized vehicle movement into or around the site. Designating space for bicycle parking within buildings is a preferred option when feasible.
2. Requirements for bicycle parking in other areas may be met by:
 - a. A bicycle storage room, bicycle lockers, or bicycle racks within a building;
 - b. Bicycle racks or lockers in a parking structure, underneath an awning or marquee, or near a main building; or

- c. Bicycle racks on the public right-of-way with approval from the City or State and where such racks do not conflict with pedestrian use.
- 3. When a percentage of the required motorized vehicle spaces are provided in a structure, an equal percentage of the required bicycle spaces shall be located inside that structure, unless other accessible, covered bicycle parking is located elsewhere on the site.
- 4. Bicycle parking should be located no further from the building's main entrance than the closest motorized vehicle parking space, excluding parking for persons with disabilities. Exceptions to this standard may be approved by the Development Review Board, considering site constraints and the availability of structured and/or enclosed parking for vehicles and bicycles. Uses with several major entrances shall locate a portion of the required bicycle parking at each entrance.
- 5. For non-residential and multi-family residential uses, bicycle parking may be located up to 100 feet from the closest motorized vehicle parking space to the main entrance, if the parking area is covered by a permanent canopy. The parking area must be visible from the front door of the building's main entrance. The canopy must provide at least 72 inches in cover for the direction that bicycles will be oriented. Lighting shall be provided in the bicycle parking area equivalent to that provided in facilities for motorized vehicles. Exceptions to this standard may be approved by the Development Review Board, considering site constraints and the availability of structured and/or enclosed parking for vehicles and bicycles.

Article 12 | Infrastructure and Public Improvements

Sec. 12.4 Pedestrian and Bicycle Mobility

[Paragraphs 12.4.1, 12.4.2, and 12.4.4 - 12.4.6 are omitted]

12.4.3 Alternate Requirement

A. Alternate Walkways

- 1. A pedestrian walkway may be provided outside of the right-of-way when the approving authority determines the walkway will have the same functionality as the conventional sidewalk required in Sec. 12.4.2, Sidewalk Requirement, above.
- 2. A pedestrian walkway may be provided outside of the right-of-way with a reduced level of functionality when the approving authority determines that the construction of a conventional sidewalk within the right-of-way is impractical due to impending road widening or other physical limitations.

B. Alternative Pedestrian Plans

An Alternative Pedestrian Plan may be proposed for projects where the approving authority determines that the Alternative Pedestrian Plan will better accommodate pedestrian traffic on site than the conventional sidewalk required in Sec. 12.4.2. Sidewalk Requirement. The Alternative Pedestrian Plan shall detail proposed locations of sidewalks and other pedestrian ways including dimensions and surfacing. An approved Alternative Pedestrian Plan shall be valid for four years from the date of approval. Previously approved Alternative Pedestrian Plans shall require reauthorization four years from the date of adoption of this provision, or when the site plan is revised, whichever is sooner.

Sec. 13.6 Street Connectivity Requirements

An interconnected street system is necessary in order to promote orderly and safe development by ensuring that streets function in an interdependent manner, provide adequate access for emergency and service vehicles, enhance access by ensuring connected transportation routes, provide access for people walking and bicycling, and provide continuous and comprehensible traffic routes.